

REMARKS/ARGUMENTS

This Amendment is responsive to the Office Action mailed on September 15, 2004. This Amendment is being filed with a Supplemental IDS.

Various amendments to the claims are made to improve the form of the claims.

Upon review of Applicants' file, the undersigned noticed that a Terminal Disclaimer with respect to 6,000,251, 6,112,652, and 5,381,685, was filed on December 2, 2002 (via certificate of mailing), but was not signed by the attorney of record. As a precautionary measure, Terminal Disclaimers with respect to U.S. Patent Nos. 6,000,251, 6,112,652, and 5,381,685 are being filed herewith and are signed.

In the Office Action, claims 74-108 are provisionally rejected for double patenting in view of claims 30-64 in U.S. Application No. 10/839,521. In response, claims 30-64 in U.S. Application No. 10/839,521 are canceled in an Amendment being filed on the same day as this Amendment. Accordingly, withdrawal of the double patenting rejection is requested.

Claims 65-67, and 69-100 are rejected as anticipated by Carl et al. (U.S. Patent No. 5,381,685). This rejection is traversed.

The cover of the Carl et al. patent indicates that it has an effective reference date of January 24, 1992, based on the filing date of abandoned U.S. Application No. 07/824,964. While the Examiner alleges that the Carl et al. patent is prior art under 35 USC § 102(e), it is not. 35 USC § 102(e) states:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent. (emphasis added.)

Carl et al. is not prior art under 35 USC § 102(e), since the application for the Carl et al. patent is in the current chain of priority. As indicated in the Official Filing Receipt in this application, this application claims priority back to 07/824,964, filed on January 24, 1992. Thus, the earliest effective filing date for the present application is January 24, 1992, which is

the same as the effective reference date for the Carl et al. patent. Accordingly, the Carl et al. patent is not prior art since it has the same prior art date as the effective filing date of the present application. Put another way, the application for the Carl et al. patent was not filed "before" the invention thereof by the applicant for patent as required by 35 USC § 102(e). Accordingly, withdrawal of the anticipation rejection based on Carl et al. is requested.

Claims 101-108 are rejected as anticipated by Murray et al. (U.S. Patent No. 5,493,878). This rejection is traversed. However, to expedite the prosecution, claims 101-108 are canceled without prejudice.

Applicants note and gratefully acknowledge the Examiner's indication that claims 56, 59, and 61-64 are allowed.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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